UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,208	02/22/2001	Andrew Rodney Ferlitsch	SLA 0345	5137

52894 7590 01/08/2007	EXAMINER	
KRIEGER INTELLECTUAL PROPERTY, INC.	HUNTSINGER, PETER K	
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CAMAS, WA 98607	ART UNIT	PAPER NUMBER
	2625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/681,208	FERLITSCH ET AL.
	Examiner	Art Unit	
	Peter K. Huntsinger	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-20 and 22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-20 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

10/30/06 has been entered.

Response to Arguments

2.   Applicant's arguments filed 10/30/06 have been fully considered but they are not

persuasive.

The applicant argues on page 7 of the response in essence that:

Sugiyama does not teach an end-user computing device that performs the

functions of the current claims.

a.   Sugiyama discloses that the functions of the search server can be

performed by the personal computer (col. 10-11, lines 59-67, 1-3).

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-3, 5-10, and 13-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sugiyama Patent 6,965,958, and further in view of Lobiondo Patent

5,287,194.

Referring to claim 1, Sugiyama discloses a method for dividing a print task into a

plurality of proportional print tasks, said method comprising the following acts in order:

sending a print task from an application executing on a computing device to a driver on

said computing device (col. 6, lines 22-27); converting said print task to a printer-

specific print task with said driver (col. 7, lines 8-21); sending said printer-specific print

task to a spooler (col. 6, lines 22-27); sending said printer-specific print task from said

spooler to a non-driver print processor (despoiler 42 of Fig. 5, col. 5, lines 44-51) on

said computing device (col. 10-11, lines 59-67, 1-3); receiving print task modification

commands at said non-driver print processor (Fig. 6, col. 5, lines 52-57); determining

individual printer capabilities for a plurality of printers, wherein said capabilities relate to

at least one of a printer speed, a printer availability and a printer media capacity (S12 of

Fig. 9, col. 8, lines 14-21); and modifying said printer-specific print task with said non-

driver print processor (col. 5, lines 44-51). Sugiyama does not disclose expressly

dividing said print task proportional to the capabilities of the printers. Lobiondo disclose

dividing a print task into a plurality of modified print tasks with a non-driver processor,

wherein the size of each of said modified print task is proportional to the capabilities of

one of said plurality of printers to which said print task is associated (col. 4, lines 58-64,

col. 5, lines 45-62). Sugiyama and Lobiondo are combinable because they are from the

same field of selecting a printer for printing. At the time of the invention, it would have

obvious to a person of ordinary skill in the art to divide a print task proportional to the

capabilities of the printers. The motivation for doing so would have been to improve the

time needed for printing. Therefore, it would have been obvious to combine Lobiondo

with Sugiyama to obtain the invention as specified in claim 1.

Referring to claim 2, Sugiyama discloses wherein said sending said print task

modification commands comprises reading command data from a configuration file (col.

5, lines 31-32).

Referring to claim 3, Sugiyama discloses the act of prompting a user for print

task modification commands (Fig. 6, col. 5, lines 52-57).

Referring to claim 5, Sugiyama discloses wherein said prompting is driver-based

(col. 5, lines 52-57).

Referring to claim 6, Lobiondo discloses wherein the size of each said modified

print tasks is primarily proportional to the speed of the printer associated with the print

task (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 7, Lobiondo discloses wherein said dividing comprises job

splitting (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 8, Lobiondo discloses wherein said dividing comprises copy

splitting (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 9, Lobiondo discloses wherein said dividing comprises a

combination of copy splitting and job splitting (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 10, Lobiondo discloses distributing said plurality of modified print tasks to said plurality of printers (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 13, Sugiyama discloses a post-driver print processor capable of modifying a print task, after driver processing, according to print task modification commands, said print processor comprising: a spooler interface for receiving a print task from a spooler, wherein said spooler and said spooler interface reside on an end-user computing device (col. 10-11, lines 59-67, 1-3) (col. 6, lines 22-27); a command interface on said end-user computing device, said command interface for receiving a print task modification command from a user at said end-user computing device (Fig. 6, col. 5, lines 52-57); a modifier, on said end-user computing device, said modifier for modifying said print task according to said print task modification command, after a driver has processed said print task, thereby creating at least one modified print task (despoiler 42 of Fig. 5, col. 5, lines 44-51); and an output, on said end-user computing device, said output for sending at least one of said plurality of modified print tasks to the printer associated with said modified print task (col. 5, lines 44-51). Sugiyama does not disclose expressly dividing said print task proportional to the capabilities of the printers. Lobiondo disclose dividing a print task into a plurality of modified print tasks with a non-driver processor, wherein the size of each of said modified print task is proportional to the capabilities of one of said plurality of printers to which said print task is associated (col. 4, lines 58-64, col. 5, lines 45-62). Sugiyama and Lobiondo are combinable because they are from the same field of selecting a printer for printing. At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a

print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo with Sugiyama to obtain the invention as specified in claim 13.

Referring to claim 14, Sugiyama discloses wherein said interface receives print task modification commands independently of said input for receiving a print task (col. 8, lines 3-28).

Referring to claim 15, Sugiyama discloses wherein said interface is a dialog box (Fig. 6, col. 5, lines 52-57).

Referring to claim 16, Lobiondo discloses wherein a command interface prompts a user for job splitting parameters (col. 4, lines 58-64, col. 5, lines 27-62).

Referring to claim 17, Lobiondo discloses wherein a command interface prompts a user for copy splitting parameters (col. 4, lines 58-64, col. 5, lines 27-62).

Referring to claim 18, Lobiondo discloses wherein a command interface prompts a user for copy splitting and job splitting parameters (col. 4, lines 58-64, col. 5, lines 27-62).

Referring to claim 19, Lobiondo discloses wherein a command interface prompts a user for multiple printer selection (col. 4, lines 58-64, col. 5, lines 27-62).

Referring to claim 20, Sugiyama discloses a computer readable medium comprising computer executable instructions for modifying a print task at an end-user computing device (col. 10-11, lines 59-67, 1-3) with a post-driver print processor, said instructions comprising the acts of: receiving a printer-driver-converted print task at said

print processor on said end-user computing device, said printer-driver-converted print

task being received from a spooler (col. 6, lines 22-27); receiving print task modification

commands at said print processor on said end-user computing device (Fig. 6, col. 5,

lines 52-57); and modifying said printer-driver-converted print task with said print

processor (despoiler 42 of Fig. 5, col. 5, lines 44-51). Sugiyama does not disclose

expressly dividing said print task proportional to the capabilities of the printers.

Lobiondo disclose dividing a print task into a plurality of modified print tasks with a non-

driver processor, wherein the size of each of said modified print task is proportional to

the capabilities of one of said plurality of printers to which said print task is associated

(col. 4, lines 58-64, col. 5, lines 45-62). Sugiyama and Lobiondo are combinable

because they are from the same field of selecting a printer for printing. At the time of

the invention, it would have obvious to a person of ordinary skill in the art to divide a

print task proportional to the capabilities of the printers. The motivation for doing so

would have been to improve the time needed for printing. Therefore, it would have

been obvious to combine Lobiondo with Sugiyama to obtain the invention as specified in

claim 20.

Referring to claim 22, Sugiyama discloses a method for modifying a print task

with a print processor on an end-user computing device (col. 10-11, lines 59-67, 1-3),

said method comprising the acts of: sending a print task to a driver on said end-user

computing device (col. 6, lines 22-27); converting said print task with said driver on said

end-user computing device (col. 7, lines 8-21); prompting a user for print task

modification commands on said end-user computing device (Fig. 6, col. 5, lines 52-57);

receiving said print task modification commands through a user interface on said end-user computing device (Fig. 6, col. 5, lines 52-57); creating a spool file for said converted print task on said computing device (col. 7, lines 22-27); sending said spool file to a spooler on said computing device (col. 6, lines 22-27); spooling said spool file to a modifying non-driver print on said computing device (despoiler 42 of Fig. 5, col. 5, lines 44-51); modifying said spool file according to said print task modification commands on said computing device, after said converting by said driver, thereby creating at least one modified print task (col. 5, lines 44-51). Sugiyama does not disclose expressly dividing said print task proportional to the capabilities of the printers. Lobiondo disclose dividing a print task into a plurality of modified print tasks with a non-driver processor, wherein the size of each of said modified print task is proportional to the capabilities of one of said plurality of printers to which said print task is associated (col. 4, lines 58-64, col. 5, lines 45-62). Sugiyama and Lobiondo are combinable because they are from the same field of selecting a printer for printing. At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo with Sugiyama to obtain the invention as specified in claim 22.

3.   Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Sugiyama Patent 6,965,958 and Lobiondo Patent 5,287,194 as applied to claim 1
above, and further in view of Onuma Patent 6,570,669.

Referring to claim 11, Sugiyama discloses a print task but does not expressly
disclose wherein said print task is a printer-ready file. Onuma discloses a print task
consisting of a printer-ready file (RAW file, Col. 6, lines 6-9). At the time the invention
was made, it would have been obvious to a person of ordinary skill in the art to
incorporate a printer-ready file format. One of ordinary skill in the art would have been
motivated to do this because the printer-ready file, or a RAW file, is a standard format
available for print tasks at the time this invention was made and the data sent to a
printer for printing needs to be in a format suitable for printing. Therefore, it would have
been obvious to combine Onuma with Sugiyama to obtain the invention as specified in
claim 11.

Referring to claim 12, Sugiyama discloses a print task but does not expressly
disclose wherein said print task is journalled printer data. Onuma discloses a print task
consisting of journalled printer data (EMF file, Col. 6, lines 9-15). At the time the
invention was made, it would have been obvious to a person of ordinary skill in the art to
incorporate journalled printer data format. One of ordinary skill in the art would have
been motivated to do this because journalled printer data, or an EMF file, is a standard
format available for print tasks available at the time this invention was made. Therefore,
it would have been obvious to combine Onuma with Sugiyama to obtain the invention as
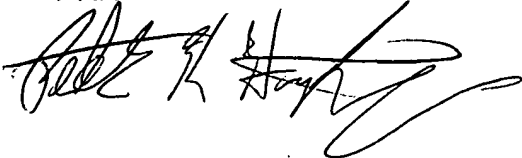specified in claim 12.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peter K. Huntsinger whose telephone number is

(571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kimberly Williams can be reached on (571)272-7471. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PKH

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